



National Aeronautics and  
Space Administration

**Principal Center for Regulatory Risk Analysis and Communication**

# Regulatory Tracking Summary

---

*13 March 2009*

This report summarizes regulatory items reviewed by the NASA RRAC PC. Items that appeared to have limited interest to the NASA community, or are provided for information only, are shown in light gray text. Notes and comments by the RRAC PC are shown in bold, blue text under "Description." Related documents and citations, such as "71 FR 51967," are linked to the appropriate document for quick access. Suggested follow-up actions are noted with significant items; users are advised that other follow-up actions may be appropriate for their program or facility.

Previous issues of this regulatory summary are archived on the RRAC PC website at <http://www.rracpc.org>. Comments, questions, suggestions, and requests for further information should be directed to the RRAC PC Manager, Sharon Scroggins at 256-544-7932 ([sharon.scroggins@nasa.gov](mailto:sharon.scroggins@nasa.gov)).

## Contents of This Issue

<b>1.0 U.S. Federal Regulatory Review</b>	<b>4</b>
1.1 Federal Register Summary	4
1.2 Significant News and Other Developments	7
1.2.1 <i>EPA Proposes National Greenhouse Gas Reporting</i>	7
1.3 Working Group Updates	8
<b>2.0 State Regulatory Reviews</b>	<b>9</b>
2.1 Alabama State Regulatory Review	9
2.1.1 <i>Recent Legislative Actions</i>	10
2.2 California State Regulatory Review	11
2.3 Florida State Regulatory Review	14
2.3.1 <i>Recent Legislative Actions</i>	15
2.4 Hawaii State Regulatory Review	15
2.5 Louisiana State Regulatory Review	15
2.6 Maryland State Regulatory Review	15
2.7 Mississippi State Regulatory Review	15
2.8 New Mexico State Regulatory Review	15
2.9 Ohio State Regulatory Review	16
2.10 Texas State Regulatory Review	16
2.10.1 <i>Severe Nonattainment Area Fee</i>	16
2.10.2 <i>EPA Eight-Hour Ozone Standard</i>	17
2.11 Utah State Regulatory Review	17
2.12 Virginia State Regulatory Review	18

## Acronyms

AAM = *Alabama Administrative Monthly*  
ADEM = Alabama Department of Environmental Management  
AQIP = Air Quality Improvement Program  
AST = Aboveground storage tank  
CAA = Clean Air Act  
CAAWG = Clean Air Act Working Group  
CAIR = Clean Air Interstate Rule  
CALReUSE = California Recycle Underutilized Sites  
CARB = California Air Resources Board  
CAS = Chemical Abstract Service  
CCR = *California Code of Regulations*  
CFR = *Code of Federal Regulations*  
CIC = Carcinogen Identification Committee  
CRNR = *California Regulatory Notice Register*  
CWA = Clean Water Act  
DEA = Draft economic analysis  
DoD = U.S. Department of Defense  
EPA = U.S. Environmental Protection Agency  
F.A.C. = Florida Administrative Code  
F.S. = Florida Statute  
FAW = *Florida Administrative Weekly*  
FDEP = Florida Department of Environmental Protection  
FR = *Federal Register*  
FY = Fiscal year  
FWS = Fish and Wildlife Service  
GSA = General Services Administration  
GHG = Greenhouse gas  
GISO = General Industry Safety Orders  
gpm = Gallon per minute  
HAP = Hazardous air pollutant  
HB = House Bill  
hp = horsepower

HTML = HyperText Markup Language  
LAC = Louisiana Administrative Code  
NAAQS = National Ambient Air Quality Standards  
NASA = National Aeronautics and Space Administration  
NESHAP = National Emission Standards for Hazardous Air Pollutants  
NMFS = National Marine Fisheries Service  
NO<sub>x</sub> = Nitrogen oxides  
NPDES = National Pollutant Discharge Elimination System  
OAC = Ohio Administrative Code  
ODS = Ozone depleting substance  
OEHA = Office of Environmental Health Hazard Assessment  
OEPA = Ohio Environmental Protection Agency  
OMB = Office of Management and Budget  
OPM = Office of Personnel of Management  
RIN = Regulatory Identification Number  
RRAC PC = Principal Center for Regulatory Risk Analysis and Communication  
SB = Senate Bill  
SIP = State Implementation Plan  
SO<sub>2</sub> = Sulfur dioxide  
TAC = Texas Administrative Code  
TexReg = *Texas Register*  
TMDL = Total Maximum Daily Load  
TSD = Treatment, storage and disposal  
U.S. = United States  
UAC = Utah Administrative Code  
UST = Underground storage tank  
Va.R. = *Virginia Register*  
VOC = Volatile organic compound

## 1.0 U.S. Federal Regulatory Review

### 1.1 Federal Register Summary

This summary includes FR items that were reviewed for potential impacts to NASA Centers and Programs.

RRAC PC Tracking Number	Subject	Date	Citation	Type Action	Description	Suggested Actions
Fed031309-1	Air Greenhouse Gas Emissions and Sinks	03/10/2009	<a href="#">74 FR 10249</a>	Notice	Inventory of U.S. Greenhouse Gas Emissions and Sinks: 1990-2007  Announces that the <a href="#">Draft Inventory of U.S. Greenhouse Gas Emissions and Sinks: 1990-2007</a> is available for public review. Annual U.S. emissions from 1990 through 2007 are summarized and presented by source category and sector. The inventory contains estimates of carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride emissions. The inventory also includes estimates of carbon fluxes in U.S. agricultural and forest lands. Comments due 04/09/2009.	
Fed031309-2	CAA NAAQS—Carbon Monoxide	03/12/2009	<a href="#">74 FR 10734</a>	Notice	Draft Integrated Science Assessment for Carbon Monoxide  Announces the availability of a document titled, " <a href="#">First External Review Draft Integrated Science Assessment for Carbon Monoxide</a> ." The document was prepared as part of the review of the NAAQS for carbon monoxide. Comments due 05/08/2009.	
Fed031309-3	CAA NESHAP—Internal Combustion Engines	03/05/2009	<a href="#">74 FR 9697</a>	Proposed Rule	NESHAP for Reciprocating Internal Combustion Engines [40 CFR Part 63]  Proposes emission standards for the following types of existing stationary reciprocating internal combustion engines: <ul style="list-style-type: none"> <li>Engines with a site rating of <math>\leq 500</math> hp located at major sources of HAP emissions</li> <li>Non-emergency engines with a site rating <math>&gt;500</math> hp at major sources of HAP emissions</li> <li>Engines of any power rating located at area sources of HAP emissions</li> </ul> Also addresses regulations regarding the operation of stationary reciprocating internal combustion engines during periods of startup, shutdown, and malfunction. Comments due 05/04/2009. If a public hearing is requested by 03/25/2009, hearing will be held 04/06/2009. [RIN 2060-AP36]  <a href="#">The RRAC PC is preparing a summary of this proposal. When complete, the summary will be posted on the website.</a>	

RRAC PC Tracking Number	Subject	Date	Citation	Type Action	Description	Suggested Actions
Fed031309-4	CAA ODS-Halon-1301	03/10/2009	<a href="#">74 FR 10182</a>	Final Rule	Protection of Stratospheric Ozone: Record-keeping and Reporting Requirements for the Import of Halon-1301 Aircraft Fire Extinguishing Vessels [40 CFR Part 82]  Grants a specific exemption from requirements to petition EPA to import used ODSs. The exemption applies to entities that import spherical pressure vessels containing Halon-1301 for aircraft fire extinguishing for the purposes of hydrostatic testing. Does not exempt entities that import bulk quantities of Halon-1301 in containers that are being imported for other purposes. Effective 04/09/2009. [RIN 2060-AM46]	
Fed031309-5	CWA NPDES General Permit for Vessels	03/11/2009	<a href="#">74 FR 10573</a>	Notice	Notice Regarding NPDES General Permit for Discharges Incidental to the Normal Operation of a Vessel  Announces revisions to the NPDES general permit for discharges incidental to the normal operation of vessels, also referred to as the "Vessel General Permit." Provides notice of EPA's deletion of specific state certification conditions from Part 6 of the Vessel General Permit for the states of New Jersey, Illinois, and California.	
Fed031309-6	Cybersecurity	03/02/2009	<a href="#">74 FR 9110</a>	Notice	National Coordination Office for Networking Information Technology Research and Development  Under the Comprehensive National Cybersecurity Initiative, invites participation in a National Cyber Leap Year, whose goal is an integrated national approach to increase cyberspace safety. Seeks ideas for leap-ahead technology concepts; multidisciplinary contributions from organizations with cybersecurity interests are especially encouraged. Contributions due 04/15/2009.	
Fed031309-7	Endangered Species	03/06/2009	<a href="#">74 FR 9753</a>	Presidential Memorandum	Memorandum for the Heads of Executive Departments and Agencies  The Endangered Species Act  Requests Departments of the Interior and Commerce to review recent amendments to regulations governing interagency cooperation under the Endangered Species Act ( <a href="#">73 FR 76272</a> , 12/16/2008). These amendments expanded the circumstances in which an executive department or agency may determine not to consult with, or obtain the written concurrence of, the FWS or the NMFS before undertaking an action that may affect threatened or endangered species. Requests that the heads of all agencies exercise discretion to follow the prior longstanding consultation and concurrence practices involving the FWS and NMFS until the amendments have been reviewed. Dated 03/03/2009.	

RRAC PC Tracking Number	Subject	Date	Citation	Type Action	Description	Suggested Actions
Fed031309-8	Energy Procurement of Energy-Efficient Products	03/13/2009	<a href="#">74 FR 10830</a>	Final Rule	Office of Energy Efficiency and Renewable Energy, Department of Energy Federal Procurement of Energy Efficient Products [10 CFR Part 436]  Final rule to promote the federal procurement of energy-efficient products. Establishes guidelines for federal agencies regarding the implementation of amendments to the National Energy Conservation Policy Act. These amendments require federal agencies to procure ENERGY STAR qualified and federal Energy Management Program-designated products in procurements involving energy consuming products and systems. Effective 04/13/2009. [RIN 1904-AB68]	
Fed031309-9	Government Contracting	03/06/2009	<a href="#">74 FR 9755</a>	Presidential Memorandum	Memorandum for the Heads of Executive Departments and Agencies Government Contracting  Directs OMB, in collaboration with the DoD, NASA, GSA, OPM, and the heads of such other agencies as OMB determines to be appropriate to develop and issue government-wide guidance regarding contracting by 07/01/2009. Guidance should assist agencies in reviewing existing contracts to identify contracts that are wasteful, inefficient, or not otherwise likely to meet the agency's needs; and to formulate appropriate corrective action in a timely manner. Such corrective action may include modifying or canceling such contracts. Also directs the same officials to develop and issue government-wide guidance by 09/01/2009 to accomplish the following: <ul style="list-style-type: none"> <li>▪ Govern the appropriate use and oversight of sole-source and other types of noncompetitive contracts, and to maximize the use of competitive procurement processes.</li> <li>▪ Govern the appropriate use and oversight of all contract types, in full consideration of the agency's needs, and to minimize risk and maximize the value of government contracts.</li> <li>▪ Assist agencies in assessing the capacity and ability of the federal acquisition workforce to develop, manage, and oversee acquisitions appropriately.</li> <li>▪ Clarify when governmental outsourcing for services is and is not appropriate.</li> </ul> Dated 03/04/2009.	
Fed031309-10	Nuclear Fees	03/02/2009	<a href="#">74 FR 9129</a>	Proposed Rule	Nuclear Regulatory Commission Revision of Fee Schedules; Fee Recovery for FY 2009 [10 CFR Parts 170 and 171]  Proposes to amend the licensing, inspection, and annual fees charged to applicants and licensees. Comments due 04/01/2009. [RIN 3150-AI52]	

RRAC PC Tracking Number	Subject	Date	Citation	Type Action	Description	Suggested Actions
Fed031309-11	Scientific Integrity	03/11/2009	<a href="#">74 FR 10671</a>	Presidential Memorandum	Memorandum for the Heads of Executive Departments and Agencies Scientific Integrity Notes that science and the scientific process must inform and guide decisions on a wide range of issues. Assigns to the Director of the Office of Science and Technology Policy the responsibility for ensuring the highest level of integrity in all aspects of the executive branch's involvement with scientific and technological processes. Instructs the Director to recommend a plan to achieve that goal throughout the executive branch. Also instructs the Director to make recommendations for Presidential action to guarantee scientific integrity throughout the executive branch.	
Fed031309-12	Toxic Substances Halogenated Platinum Salts and Platinum Compounds	03/09/2009	<a href="#">74 FR 10046</a>	Notice	Draft Toxicological Review of Halogenated Platinum Salts and Platinum Compounds: In Support of the Summary Information in the Integrated Risk Information System Announces a listening session for the external review draft document entitled, " <a href="#">Toxicological Review of Halogenated Platinum Salts and Platinum Compounds: In Support of Summary Information on the Integrated Risk Information System (IRIS)</a> ." Listening session to be held 03/25/2009. Registration deadline 03/18/2009.	

## 1.2 Significant News and Other Developments

### 1.2.1 EPA Proposes National Greenhouse Gas Reporting

On 10 March 2009, EPA posted a pre-publication copy of its proposed national system for reporting emissions of carbon dioxide and other GHGs produced by major sources in the U.S. EPA used information developed by state, regional, and voluntary GHG reporting systems to develop the proposed national system.

The proposal would require facilities emitting more than 25,000 metric tons of GHG per year to report emissions in the national system. EPA estimates that approximately 13,000 facilities would be required to report GHG emissions under the proposed rule, which would account for more than 85 percent of GHG emissions in the U.S.

The first annual report would be submitted to EPA in 2011 for the calendar year 2010, except for vehicle and engine manufacturers, who would begin reporting for model year 2011. The public comment period on the proposed rule will be open for 60 days after publication in the FR. Two public hearings will be held during the comment period.

More information about the proposed rule is available on EPA's climate change [website](#). Additionally, RRAC PC is developing a regulatory summary on the proposed rule. The summary will be available on the [RRAC website](#).

### 1.3 Working Group Updates

On the basis of the results of CAAWG feedback provided at the Environmental and Energy Conference and from the survey sent out last fall, the CAAWG will have a multi-media environmental focus in 2009. The working group, for Center environmental staff, will focus on a variety of multimedia subject matter, emerging regulations, and regulatory refresher presentations. The topics for each call will be announced in advance so that the appropriate environmental media representatives may attend. Please contact Sharon Scroggins with topic suggestions.

Calls in 2009 will be held on the following Wednesdays:

- 1 April
- 15 April
- 20 May
- 17 June
- 1 July
- 15 July
- 5 August
- 19 August
- 2 September
- 16 September
- 7 October
- 21 October
- 4 November
- 18 November
- 2 December



## 2.0 State Regulatory Reviews

The following sections provide details of the regulatory actions reviewed for selected states in which NASA facilities and related operations are located.

### 2.1 Alabama State Regulatory Review

This summary includes items that were reviewed for potential impacts to NASA Centers and Programs in Alabama.

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
AL031309-1	Air CAIR	02/27/2009	<a href="#">AAM Vol. XXVII, No. 5, p. 193</a>	Final Rule	<p>335-ADEM 3-Air Division 5-Control of Sulfur Compound Emissions</p> <p>Final rule incorporates by reference provisions for the control of sulfur dioxide emissions from specified categories of stationary sources. The following rules have been revised:</p> <ul style="list-style-type: none"> <li>335-3-5-.06 CAIR SO<sub>2</sub> Trading Program General Provisions</li> <li>335-3-5-.07 CAIR Designated Representative for CAIR SO<sub>2</sub> Sources</li> <li>335-3-5-.11 CAIR SO<sub>2</sub> Allowance Tracking System</li> <li>335-3-5-.13 Monitoring and Reporting</li> <li>335-3-5-.14 CAIR SO<sub>2</sub> Opt-In Units</li> </ul> <p>A list of specific changes can be found in the <a href="#">Division 3</a> document. Effective 02/24/2009.</p>	
AL031309-2	Air CAIR	02/27/2009	<a href="#">AAM Vol. XXVII, No. 5, p. 193-194</a>	Final Rule	<p>335-ADEM 3-Air Division 8-Control of Nitrogen Oxides Emissions</p> <p>Final rule incorporates by reference provisions for the control of NO<sub>x</sub> emissions from specified categories of stationary sources. The following rules have been revised:</p> <ul style="list-style-type: none"> <li>335-3-8-.16 CAIR NO<sub>x</sub> Annual Trading Program</li> <li>335-3-8-.17 CAIR Designated Representative for CAIR NO<sub>x</sub> Sources</li> <li>335-3-8-.18 CAIR Permits</li> <li>335-3-8-.21 CAIR NO<sub>x</sub> Allowance Tracking System</li> <li>335-3-8-.23 CAIR Monitoring and Reporting</li> <li>335-3-8-.25 CAIR NO<sub>x</sub> Ozone Season Trading Program</li> <li>335-3-8-.30 CAIR NO<sub>x</sub> Ozone Season Allowance Tracking System</li> <li>335-3-8-.32 CAIR NO<sub>x</sub> Ozone Season Monitoring and Reporting</li> </ul> <p>A list of specific changes can be found in the <a href="#">Division 3</a> document. Effective 02/24/2009.</p>	
AL031309-3	Air CAIR	02/27/2009	<a href="#">AAM Vol. XXVII, No. 5, p. 194</a>	Final Rule	<p>335-ADEM 3-Air Division 18-Acid Rain Program</p> <p>Final rule amends <a href="#">335-3-18-.01 General-Permits Regulation</a> to adopt revisions to the Acid Rain Program. This incorporation allows EPA to delegate administrative enforcement of these regulations to ADEM. A list of specific changes can be found in the <a href="#">Division 3</a> document. Effective 02/24/2009.</p>	

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
AL031309-4	Air SIP	03/11/2009	<a href="#">74 FR 10488</a>	Notice of Document Availability	<p>U.S. Environmental Protection Agency</p> <p>Approval and Promulgation of Air Quality Implementation Plans; Alabama Visible Emissions Rule; Informational Notice {40 CFR Part 52}</p> <p>Purpose is to inform the public of the availability of documents that were not made available electronically to the public when EPA's final rulemaking was published in the FR. These documents were a part of the docket for EPA's final rulemaking approving Alabama's SIP revision for the Alabama Visible Emissions Rule. EPA's final rulemaking for this SIP revision was published on 10/15/2008.</p>	
AL031309-5	Hazardous Waste	02/27/2009	<a href="#">AAM Vol. XXVII, No. 5, p. 194</a>	Final Rule	<p>335-ADEM 14-Hazardous Waste Program</p> <p>Final rule adopts regulations reflecting changes made to related federal regulations from 07/01/2007 through 06/30/2008. The rules were revised to update and clarify existing requirements. The amendments include the following:</p> <ul style="list-style-type: none"> <li>▪ Reformatting of definitions.</li> <li>▪ Addition of language to clarify certain regulations in the existing rules.</li> <li>▪ Modification of the F019 listing to exclude wastewater treatment sludges from the manufacturing of motor vehicles using a zinc phosphating process under certain conditions.</li> <li>▪ Addition of requirements concerning the availability of records for review, corrective action cost estimates, and transporter permit applications.</li> <li>▪ Correction of a number of typographical and citation errors in the existing regulations.</li> </ul> <p>The following rules have been revised:</p> <ul style="list-style-type: none"> <li>▪ <a href="#">335-14-1 Hazardous Waste Management System: General</a></li> <li>▪ <a href="#">335-14-2 Identification and Listing of Hazardous Waste</a></li> <li>▪ <a href="#">335-14-3 Standards Applicable to Generators of Hazardous Waste</a></li> <li>▪ <a href="#">335-14-4 Standards Applicable to Transporters of Hazardous Waste</a></li> <li>▪ <a href="#">335-14-5 Standards for Owners and Operators of Hazardous Waste TSD Facilities</a></li> <li>▪ <a href="#">335-14-6 Interim Status Standards for Owners and Operators of Hazardous Waste TSD Facilities</a></li> <li>▪ <a href="#">335-14-7 Standards for the Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste Management Facilities</a></li> <li>▪ <a href="#">335-14-8 Permit Program</a></li> <li>▪ <a href="#">335-14-11 Standards for Universal Waste Management</a></li> <li>▪ <a href="#">335-14-17 Standards for the Management of Used Oil</a></li> </ul> <p>A list of specific changes can be found in the <a href="#">Division 14</a> document. Effective 02/24/2009.</p>	

### 2.1.1 Recent Legislative Actions

The following House Bills were referred to the Commerce Committee in February 2009:

- [HB 13](#)–Proposes to require ADEM to identify environmental high-impact areas on a county basis, compile data regarding toxic pollutants released into the environment, and publish for public comment certain assessment methods and calculations for releases of toxic chemicals. If passed, this bill potentially could lead to further regulatory requirements and increased costs of compliance for affected facilities.

- [HB 530](#)–Proposes to amend the definition of "motor fuels" within certain sections of [Title 22, Health, Mental Health and Environmental Control, Code of Alabama 1975](#), as the term relates to releases from USTs and ASTs, to include any blend of diesel.
- [HB 543](#)–Proposes to repeal [Title 22, Chapter 25A, Regulation of Wastewater Onsite Entities Using Decentralized Cluster Wastewater Systems, Code of Alabama 1975](#), relating to the establishment and regulation of wastewater onsite management entities, and replace the repealed chapter with a new Chapter 25B providing for the regulation and management of privately owned wastewater systems in Alabama.

Lists of specific changes can be found in the [HB 13](#), [HB 530](#), and [HB 543](#) documents. There is no specified timeframe for consideration of these measures.

## 2.2 California State Regulatory Review

This summary includes items that were reviewed for potential impacts to NASA Centers and Programs in California. Citations of the [CRNR](#) are linked to the appropriate volume of the Register, which is published in Adobe Acrobat (pdf) file format.

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
CA031309-1	Air Air Quality Improvement Program	03/06/2009	<a href="#">CRNR 2009, 10z, p. 365</a>	Notice Public Hearing	<a href="#">Air Resources Board</a> AB 118 Air Quality Improvement Guidelines 2009 [13 CCR 2350-9]  Announces a <a href="#">public hearing</a> to consider adoption of guidelines to implement the AQIP. The proposed guidelines would establish the requirements for developing each fiscal year's Funding Plan, for issuing project solicitations, and for administering AQIP projects. Further information about the <a href="#">AQIP</a> and the <a href="#">guidelines development</a> are posted on CARB's website. Comments due 04/22/2009. Public hearing is scheduled for 04/23/2009 and 04/24/2009 at CARB's offices in Sacramento, California.	
CA031309-2	Air Fuel, GHG	03/06/2009	<a href="#">CRNR 2009, 10z, p. 371</a>	Notice Public Hearing	<a href="#">Air Resources Board</a> <a href="#">Low Carbon Fuel Standard</a> [17 CCR 95480-9]  Announces a <a href="#">public hearing</a> to discuss the adoption of the Low Carbon Fuel Standard. The proposed standard is intended to reduce GHG emissions by reducing the carbon intensity of transportation fuels used in California. Further information about the <a href="#">Low Carbon Fuel Standard Program</a> and the <a href="#">rulemaking</a> are available on CARB's website. Comments due 04/22/2009. Public hearing is scheduled for 04/23/2009 and 04/24/2009 at CARB's offices in Sacramento, California.	
CA031309-3	Air SIP	03/21/2009	<a href="#">74 FR 3442</a>	Final Rule	<a href="#">U.S. Environmental Protection Agency</a> Approval and Promulgation of Implementation Plans; State of California; 2003 State Strategy and 2003 South Coast Plan for 1-Hour Ozone and Nitrogen Dioxide [40 CFR 52]  Approves one revision, and approves in part and disapproves in part a second SIP revision, submitted by the CARB to provide for attainment of the 1-hour ozone standard and maintenance of the nitrogen dioxide standard in the Los Angeles-South Coast Air Basin. The two SIP revisions include the 2003 State Strategy and the 2003 South Coast SIP, both of which were submitted to EPA on 01/09/2004. Effective 04/09/2009.	

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
CA031309-4	CALReUSE	03/06/2009	<a href="#">CRNR 2009, 10z, p. 397</a>	Final Rule	<a href="#">California Pollution Control Financing Authority</a> CALReUSE [4 CCR 8090-102] Makes permanent the prior emergency regulatory actions that modified and expanded the CALReUSE program. Effective 02/23/2009.	
CA031309-5	Endangered Species	03/10/2009	<a href="#">74 FR 10211</a>	Proposed Rule	<a href="#">Fish and Wildlife Service</a> Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for <i>Cirsium loncholepis</i> (La Graciosa thistle) [50 CFR 17] Announces the reopening of the comment period on the proposed revised designation of critical habitat for <i>Cirsium loncholepis</i> (common name La Graciosa thistle) under the Endangered Species Act. Also announces the availability of the 01/16/2009 DEA of the proposed revised designation of critical habitat for <i>Cirsium loncholepis</i> and announces an amended required determinations section of the proposal. Comments due 04/09/2009. <a href="#">This proposal includes actions related to Vandenberg Air Force Base.</a>	<a href="#">NASA Programs</a> with operations at Vandenberg should be aware of this proposal and opportunity to comment.
CA031309-6	Occupational Safety	03/06/2009	<a href="#">CRNR 2009, 10z, p. 389</a>	Notice Decision Not to Proceed	<a href="#">Occupational Safety and Health Standards Board</a> Decision not to Proceed with GISO-Machinery Equipment [8 CCR 3328] Announces the Board has decided not to proceed with rulemaking [08/29/2008, <a href="#">CRNR 2008, 35Z, p. 1512</a> ]; withdraws proposed action.	

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
CA031309-7	Proposition 65	03/06/2009	<a href="#">CRNR 2009, 10z, p. 388</a>	Notice	<p><a href="#">Office of Environmental Health Hazard Assessment</a></p> <p>Prioritization: Chemicals for Consultation by the Carcinogen Identification Committee</p> <p>OEHHA has identified 38 chemicals for possible preparation of hazard identification documentation. The CIC will provide OEHHA with prioritization on 05/29/2009. The hazard identification documentation will be used to decide which chemicals to add to the Proposition 65 list of substances known to be carcinogenic to the State of California. Chemicals to be considered are listed below:</p> <ul style="list-style-type: none"> <li>▪ <a href="#">2-Amino-5-nitrothiazole</a></li> <li>▪ <a href="#">11-Aminoundecanoic acid</a></li> <li>▪ <a href="#">Amphetamine and its salts</a></li> <li>▪ <a href="#">Anthranthrene</a></li> <li>▪ <a href="#">Aspartame</a></li> <li>▪ <a href="#">Benoxacor</a></li> <li>▪ <a href="#">2-Chloro-1,1,1-trifluoroethane</a></li> <li>▪ <a href="#">D &amp; C Yellow #11</a></li> <li>▪ <a href="#">1,3-Dichloro-2-propanol</a></li> <li>▪ <a href="#">Dicofol</a></li> <li>▪ <a href="#">Diethanolamine (DEA)</a></li> <li>▪ <a href="#">N,N-Diethylthiourea</a></li> <li>▪ <a href="#">Diisononyl phthalate (DINP)</a></li> <li>▪ <a href="#">2,6-Dimethyl-n-nitrosomorpholine</a></li> <li>▪ <a href="#">1,3-Dinitropyrene</a></li> <li>▪ <a href="#">Ethynodiol diacetate</a></li> <li>▪ <a href="#">Fluoride and its salts</a></li> <li>▪ <a href="#">Haloperidol</a></li> <li>▪ <a href="#">Hydroquinone</a></li> <li>▪ <a href="#">Methoxychlor</a></li> <li>▪ <a href="#">Methyl ethyl ketoxime</a></li> <li>▪ <a href="#">Molybdenum trioxide</a></li> <li>▪ <a href="#">3-Monochloropropane-1,2-diol (3-MCPD)</a></li> <li>▪ <a href="#">3-Nitrofluoranthene</a></li> <li>▪ <a href="#">Nitrofurantoin</a></li> <li>▪ <a href="#">N-Nitrosoanabasine</a></li> <li>▪ <a href="#">N-Nitrosohexamethyleneimine</a></li> <li>▪ <a href="#">5-Nitro-o-toluidine</a></li> <li>▪ <a href="#">Perfluorooctanoic acid and its salts and transformation and degradation precursors</a></li> <li>▪ <a href="#">Permethrin</a></li> <li>▪ <a href="#">Rock wool</a></li> <li>▪ <a href="#">Tetrachlorvinphos</a></li> <li>▪ <a href="#">Thiamethoxam</a></li> <li>▪ <a href="#">Triamterene</a></li> <li>▪ <a href="#">Triclosan</a></li> <li>▪ <a href="#">Tris(1,3-dichloro-2-propyl) phosphate</a></li> <li>▪ <a href="#">Triethanolamine (TEA)</a></li> <li>▪ <a href="#">Vinylidene chloride</a></li> </ul> <p>Information about the chemicals, including the <a href="#">summary document</a>, is available on OEHHA's <a href="#">rulemaking website</a>. Comments due 05/05/2009.</p> <p>Some of the listed chemicals, such as vinylidene chloride, may be used as intermediates in chemical production or have other industrial uses. Triclosan is used as a sterilant in cleaners and other types of materials.</p>	

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
CA031309-8	Proposition 65	03/13/2009	<a href="#">CRNR 2009, 11z, p. 422</a>	Notice of Intent	<p><a href="#">Office of Environmental Health Hazard Assessment</a></p> <p>Notice of intent to list 4-Methylimidazole</p> <p>Announces <a href="#">intent to list</a> the chemical, 4-methylimidazole (CAS No. 822-36-6), as "known to the State to cause cancer." Comments due 04/13/2009.</p> <p>4-Methylimidazole is used in the manufacture of such products as pharmaceuticals, photographic chemicals, dyes and pigments, cleaning and agricultural chemicals, and rubber.</p>	<a href="#">NASA Programs</a> should be aware that California may list this chemical intermediate as a carcinogen.
CA031309-9	Waste Gas Monitoring	03/06/2009	<a href="#">CRNR 2009, 10z, p. 397</a>	Final Rule	<p><a href="#">California Integrated Waste Management Board</a></p> <p>Gas Monitoring and Control Compliance Deadlines [27 CCR 20921]</p> <p>Provides additional time for active disposal sites to fully implement a landfill gas monitoring and control program. Effective 02/18/2009.</p>	
CA031309-10	Water TMDL	03/06/2009	<a href="#">CRNR 2009, 10z, p. 399</a>	Final Rule	<p><a href="#">State Water Resources Control Board</a></p> <p>Machado Lake Nutrient TMDL [23 CCR 3939.35]</p> <p>Approves the Los Angeles Regional Water Quality Control Board's adoption of Resolution R08-006 on 05/01/2008. Revises the Los Angeles Region Basin Plan by establishing a TMDL for Eutrophic, Algae, Ammonia, and Odors (Nutrient) in Machado Lake. Effective 02/19/2009.</p>	

## 2.3 Florida State Regulatory Review

This summary includes items that were reviewed for potential impacts to NASA Centers and Programs in Florida.

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
FL031309-1	Water Delegations	03/06/2009	<a href="#">FAW Notice #6672550</a>	Notice	<p>Chapter 62–FDEP 113.200–Delegation of Authority by Secretary</p> <p>Announces a change to the rule proposed in <a href="#">FAW Notice #6137886</a>, which proposed to amend Rule 62-113.200 to delegate rulemaking authority to the St. Johns River, Northwest Florida, Suwannee River, Southwest Florida, and South Florida Water Management Districts and to Broward County to adopt and amend fees for environmental resource permit activities conducted under Part IV of Chapter 373, F.S. Proposed text is provided in the <a href="#">FAW Notice</a>.</p>	
FL031309-2	Water TMDLs	03/06/2009	<a href="#">FAW Notice #6906126</a>	Final Rule	<p>Chapter 62–FDEP 304.520–Indian River Lagoon TMDLs</p> <p>Establishes TMDLs and their allocations for the pollutants identified as causing impaired waters in the Indian River Lagoon Basins. Effective 03/26/2009.</p>	
FL031309-3	Water Wells	03/06/2009	<a href="#">FAW Notice #6814655</a>	Notice Rulemaking Development Workshop	<p>Chapter 62–FDEP 532–Water Well Permitting and Construction Requirements</p> <p>Proposes to make Chapter 62-532, F.A.C., consistent with recent amendments to Chapters 64E-8 and 62-555, F.A.C., to address technical changes to industry practices and to update references to NSF International Standards. A workshop will be held 03/24/2009 in Tallahassee, Florida.</p>	

### 2.3.1 Recent Legislative Actions

The Florida State Senate's committees on Environmental Preservation and Conservation, Community Affairs, and General Government Appropriations are considering SB 1186, which was referred to committee on 3 March 2009. SB 1186 proposes to prohibit FDEP from approving an application for the construction or expansion of a Class I landfill if they find that the applicant violated state laws or rules during a specified period. The bill would require FDEP to conduct a study concerning the location of landfills and report to the Governor and the Legislature. Further information can be found on the Florida Senate webpage for [SB 1186](#).

### 2.4 Hawaii State Regulatory Review

No regulatory items of interest were identified during this reporting period for the state of Hawaii.

### 2.5 Louisiana State Regulatory Review

This summary includes items that were reviewed for potential impacts to NASA Centers and Programs in Louisiana.

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
LA031309-1	Air VOCs	03/20/2009	<a href="#">AQ304ft</a>	Proposed Rule Notice	Louisiana Department of Environmental Quality Control of Emission of Organic Compounds: Exemptions <a href="#">[LAC 33:III.2117]</a> Proposes to add the compounds propylene carbonate; dimethyl carbonate; and 1,1,1,2,2,3,4,5,5,5-decafluoro-3-methoxy-4-trifluoromethyl-pentane to the list of compounds that are exempt from the control requirement of LAC 33:III.Chapter 21. This revision would align state regulations with similar federal regulations, which determined these compounds make negligible contributions to tropospheric ozone formation. A public hearing is scheduled for 04/28/2009 in Baton Rouge, Louisiana. Comments due 04/28/2009.	

### 2.6 Maryland State Regulatory Review

No regulatory items of interest were identified during this reporting period for the state of Maryland.

### 2.7 Mississippi State Regulatory Review

No regulatory items of interest were identified during this reporting period for the state of Mississippi.

### 2.8 New Mexico State Regulatory Review

No regulatory items of interest were identified during this reporting period for the state of New Mexico.

## 2.9 Ohio State Regulatory Review

This summary includes items that were reviewed for potential impacts to NASA Centers and Programs in Ohio.

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
OH031309-1	Water Water Quality Standards	03/03/2009	<a href="#">Notice Letter</a>	Draft Rules	Division of Surface Water, OEPA Draft Amendments to OAC 3745-1, Water Quality Standards [OAC <a href="#">3745-1</a> ] Solicits comments on draft revisions to rules addressing water quality standards for surface waters of the state. Includes a subset of changes that previously were made available for review in other draft rule packages, specifically the 08/15/2008 water quality standards <a href="#">rulemaking</a> and the 10/15/2008 antidegradation <a href="#">rulemaking</a> . Further information is posted on OEPA's <a href="#">website</a> . Comments due 04/17/2009.	

## 2.10 Texas State Regulatory Review

This summary includes items that were reviewed for potential impacts to NASA Centers and Programs in Texas. Citations of the *Texas Register* are linked within the text to the corresponding entry in the version of the *Texas Register* published in HTML file format. Current and historical versions of the *Texas Register* in HTML and Adobe Acrobat (.pdf) file format can be downloaded from the [Texas Register section of the Texas Secretary of State website](#).

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
TX031309-1	Storage Tanks Leaking Petroleum Storage Tanks	03/13/2009	<a href="#">34 TexReg 1860</a>	Adopted Rule	Texas Commission on Environmental Quality Underground and Aboveground Storage Tanks [30 TAC 334] Amends rules that regulate the assessment and remediation requirements applicable to releases of regulated substances from USTs and ASTs. Reinstates risk-based corrective action provisions for releases discovered and reported on or after 09/01/2003. Effective 03/19/2009.	
TX031309-2	Storage Tanks Leaking Petroleum Storage Tanks	03/13/2009	<a href="#">34 TexReg 1866</a>	Adopted Rule	Texas Commission on Environmental Quality Underground and Aboveground Storage Tanks [30 TAC 350] Amends rules that regulate the assessment and remediation requirements applicable to releases of regulated substances from USTs and ASTs. Reinstates risk-based corrective action provisions for releases discovered and reported on or after 09/01/2003. Effective 03/19/2009.	
TX031309-3	Water Quality Water Quality Fees	03/13/2009	<a href="#">34 TexReg 1780</a>	Proposed Rule	Texas Commission on Environmental Quality Water Quality Fees [30 TAC §21.3] Proposes to increase the maximum and minimum fee amounts assessed for wastewater and aquaculture permits. Public hearing to be held 04/07/2009 in Austin. Comments due 04/13/2009.	

### 2.10.1 Severe Nonattainment Area Fee

Major stationary sources in the Houston-Galveston-Brazoria severe ozone nonattainment area are subject to CAA Section 185 penalty fees if the area fails to attain the NAAQS for ozone by the attainment date.



A [webpage](#) has been established for the Section 185 rulemaking. Periodic updates, including meeting announcements, will be made to this new page.

## 2.10.2 EPA Eight-Hour Ozone Standard

On 10 March 2009, Texas Governor Rick Perry submitted the [state's recommendation](#) covering boundaries and designations under the federal 2008 8-hour ozone standard to EPA, Region 6.

Among the counties listed as recommended to be designated nonattainment are the following:

- El Paso Area
  - El Paso County (with the exception of tribal lands)
- Houston-Galveston-Brazoria Area
  - Brazoria
  - Chambers
  - Fort Bend
  - Galveston

## 2.11 Utah State Regulatory Review

This summary includes items that were reviewed for potential impacts to NASA Centers and Programs in Utah.

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
UT031309-1	Water Drinking Water	03/15/2009	<a href="#">UT Bull. Vol. 2009-6; DAR File No. 32406</a>	Proposed Rule	Division of Water Quality; Utah Department of Environmental Quality Facility Design and Operation; Minimum Sizing Requirements (UAC 309-510) Provides clarification on what data are acceptable for a reduction of required source capacity, water right, or peak instantaneous demands from a non-community public water system. Proposed rule would allow non-community public water systems to expand service connections without adding new source capacity, water rights, or increased piping after submittal of acceptable data to Agency. Comments due 04/14/2009.	
UT031309-2	Water Drinking Water	03/15/2009	<a href="#">UT Bull. Vol. 2009-6; DAR File No. 32407</a>	Proposed Rule	Division of Water Quality; Utah Department of Environmental Quality Facility Design and Operation; Disinfection (UAC R309-520) Proposes to allow ultraviolet light as an allowable form of disinfection for public water systems. Also corrects a reference in the regulation pertaining to ozone disinfection. Comments due 04/14/2009.	
UT031309-3	Water Drinking Water	03/15/2009	<a href="#">UT Bull. Vol. 2009-6; DAR File No. 32408</a>	Proposed Rule	Division of Water Quality; Department of Environmental Quality Chemical Addition (UAC R309-525-11) Proposed rule addresses overflow from day tanks that store treatment chemicals at water treatment systems. Accidental overflows from day tanks would be allowed to drain to a spill containment area surrounding the day tank. Comments due 04/14/2009.	

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
UT031309-4	Water Drinking Water	03/15/2009	<a href="#">UT Bull. Vol. 2009-6; DAR File No. 32409</a>	Proposed Rule	Division of Water Quality; Department of Environmental Quality Slow Sand Filtration (UAC R309-530-6) Proposes to correct in a mistake in the existing regulation regarding acceptable filtration rate for slow sand filtration in public water system treatment plants from 0.01 gpm per square foot to 0.1 gpm per square foot. Comments due 04/14/2009.	
UT031309-5	Water Drinking Water	03/15/2009	<a href="#">UT Bull. Vol. 2009-6; DAR File No. 32410</a>	Proposed Rule	Division of Water Quality; Department of Environmental Quality Venting (UAC R309-545-15) Proposes to change design specifications for venting pipes associated with public water treatment systems. Comments due 04/14/2009.	

## 2.12 Virginia State Regulatory Review

This summary includes items that were reviewed for potential impacts to NASA Centers and Programs in Virginia.

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
VA031309-1	Guidance Documents	03/02/2009	<a href="#">25:13 Va.R. 2430</a>	Notice of Availability	Virginia Department of Environmental Quality Publishes the annual list of guidance documents regarding the implementation of regulations adopted by the State Air Pollution Control Board, the Virginia Waste Management Board, and the State Water Control Board. Most documents are available at no charge electronically through the <a href="#">Virginia Regulatory Town Hall website</a> . Copies of documents not available electronically may be requested under the Freedom of Information Act.	
VA031309-2	Guidance Documents	03/02/2009	<a href="#">25:13 Va.R. 2464</a>	Notice of Availability	Virginia Department of Labor and Industry Publishes the annual list of guidance documents regarding the implementation of regulations adopted by the Safety and Health Codes Board. Documents are available at no charge electronically through the <a href="#">Virginia Regulatory Town Hall website</a> .	